



RULE 132 AFFIDAVIT

Applicant : Allan Todd Berry

Serial No.: 10/657,977

Filed: 09/09/2003

Examiner: David J Parsley

Group Art Number: 3643

DECLARATION UNDER 37 C.F.R. 1.132

I, Allan Todd Berry, declare and state:

That I am a citizen of the United States.

That I am over the age of eighteen (18) and I have personal knowledge concerning my testimony.

I am the inventor of the current invention which is the subject matter of the patent application.

The system is described in detail in the patent application but the features, taken together as a whole, are not outlined in any one patent that was part of the response from the Patent Office. The elements of the PLC, the sensors, the data bus communications, the medal flags, and the inspection interface button, together, are not disclosed in any one patent based on my review of all the patents in the response from the Patent Office.

I have been working in the chicken process industry for more than
20 years.

It is my opinion that the invention is a commercial success because we have already sold 18 systems incorporating my invention, and it is currently used in production. Another sign of commercial success is the overwhelming interest I have received through phone calls from poultry companies wanting to know more about the system. I have traveled to numerous companies across the United States to give

presentations and give quotes for the system pricing. I continue to receive telephone calls on a daily basis requesting printed material on the system. In addition, the invention is being considered by USDA officials to use as the basis for writing the new Directive regulations on the process of determining quality of chicken paws.

In January of 2002, China began to put restrictions on the quality of the chicken paws they were receiving from the United States. Since then, many poultry processors ceased producing the paws because there was not a viable method for determining the quality of the feet. The invention of the current patent application, in conjunction with the USDA inspectors input, can accurately determine which paws are acceptable and which are not. Therefore, my invention satisfies the need long felt by the poultry industry. It is the only system readily available that meets the criteria of the existing FSIS Directive 6210.2 as it is written.

That the undersigned declares further that all statements made herein are of his own knowledge and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Further declarant saith not.


Signature

Todd Berry
Print Name

SWORN TO AND SUBSCRIBED before me
this 4th day of January, 2005.

NOTARY PUBLIC, GEORGIA, STATE AT LARGE

My Commission Expires:


Riley B. Davis

NOTARY PUBLIC, HALL COUNTY, GEORGIA
MY COMMISSION EXPIRES NOVEMBER 17, 2008